

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13848 OF 2025

Pawansut Radheshyam Gupta & Anr ..Petitioners

Versus

Competent Authority-8, Slum Rehabilitation ...Respondents
Authority, & Ors

Mr. R.D. Mishra, for the Petitioners.

Mr. Hamid Mulla, AGP, for Respondent No.1-State.

CORAM: N. J. JAMADAR, J.

DATE : 10th NOVEMBER 2025

ORDER:

1. The challenge in this Petition is to an order dated 7th February 2025, passed by the Maharashtra Slum Areas (I.C. & R) Tribunal, Mumbai (“the Tribunal”) whereby an Appeal preferred by the Petitioners under Section 4(3) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“the Act, 1971”), against a declaration of slum area vide Notification dated 3rd October 1977, came to be dismissed.

2. The Petitioners claim to be the lessees of land admeasuring 1000 sq mtrs approximately, bearing Plot No. D/29 and D/30, CTS No. 1064 and 1074, village Tirandaj, Taluka Kurla (“the suit property”). The Petitioners have assailed the inclusion of the suit property in the

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Notification dated 3rd October 1977 where under it was declared as the slum area. It was the claim of the Petitioners that, the structures standing on the subject property have all basic amenities. The declaration of the suit property as a slum area was illegal, bad-in-law and deserved to be quashed and set aside.

3. By the impugned order the learned President, Tribunal was persuaded to dismiss the Appeal opining, *inter alia*, that the Petitioners had no *locus standi* to file the Appeal. The Petitioners were neither the owner nor the lessees of the subject property. Therefore, the Competent Authority was not required to issue any notice to the Petitioners or their predecessor-in-title. In a sense, the Petitioners were not the interested persons.

4. Mr. R. D. Misra, the learned Counsel for the Petitioners, submitted that the Tribunal lost sight of the fact that, Devbai Radheshyam Gupta, the mother of the Petitioners, was the tenant in respect of the suit property. The Petitioners have instituted a suit assailing the alleged Will under which the leasehold rights in the suit property were purportedly bequeathed to Devbai Gupta. The Petitioners have also sought a declaration that they have leasehold rights in the suit property. In these circumstances, during the pendency of the said Suit before the City Civil Court, the Tribunal could not have non-suited the Petitioners.

5. Evidently, the Petitioners claim through Radheshyam Gupta, who was the original lessee, the father of the Petitioners. Radheshyam Gupta allegedly executed a Will bequeathing the leasehold rights in the suit property in favour of Devbai Gupta, the Petitioner's mother. Devbai, in turn, has surrendered the leasehold rights in the suit property in favour of its owner, Chitranjan Sharma.

6. The Petitioners have instituted a Suit before the City Civil Court seeking declaration that they have leasehold rights in the suit property. The Petitioners have challenged the legality and validity of the Will executed by late Radheshyam Gupta in favour of Devbai Gupta.

7. In the face of these proceedings, which are sub-judice before the City Civil Court, the question as to whether the Petitioners were entitled to be heard by the Competent Authority was required to be determined. Admittedly, the names of the Petitioners were not shown in the property card as the lessees. In contrast the name of Devbai Gupta was shown as the occupant. Devbai has allegedly surrendered leasehold rights in favour of the original owner.

8. In these circumstances, while the challenge to the execution of the Will by the original lessee, thereby bequeathing the leasehold rights in the suit property in favour of the Devbai and the subsequent surrender of the leasehold rights by Devbai in favour of the owner awaits adjudication, and the names of the Petitioners nowhere appear

on the property card, the learned President of the Tribunal was justified in returning a finding that the Petitioners had no *locus standi* to challenge the Notification of declaration of slum.

9. In the case of **Jagnnath Hanumant Sonawane & Ors Vs Slum Rehabilitation Authority & Ors**¹ on which reliance was placed by the Tribunal, it was enunciated that except the interested persons whose name appear, no other person was required to be given a notice. This Court has observed that, except the interested persons whose names are reflected in the property card, there would be no obligation on the Authorities to notice and hear the other affected parties.

10. The claim of the Petitioners hinges upon the outcome of the proceedings assailing the legality and validity of the surrender of the leasehold rights in the suit property by Devbai.

11. In this view of the matter, this Court does not find any justifiable reason to entertain the Petition.

12. The Petition thus stands dismissed.

[N. J. JAMADAR, J.]

1 Writ Petition No. 2488 of 2011, decided on 11th May 2011.